

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

<p><i>IN RE PORK ANTITRUST LITIGATION</i></p> <p>This Document Relates To: All Commercial and Indirect Purchaser Plaintiffs Actions</p>	<p>Case No. 18-cv-1776 (JRT/HB)</p> <p style="text-align: center;"><b>ORDER</b></p>
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HILDY BOWBEER, United States Magistrate Judge

This matter comes before the Court on Commercial and Indirect Purchaser Plaintiffs’ Motion to Compel Compliance with Subpoena Directed To Affiliated Foods, Inc. [Doc No. 876]. The motion was filed on August 17, 2021. The hearing on the motion is scheduled for August 31, 2021 [Doc. No. 893].<sup>1</sup>

By email to chambers, counsel for Affiliated Foods, Inc., complains that the August 31, 2021, hearing date does not afford sufficient time for it to file its responsive memorandum because, it argues, Rule 6.1(c) of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation gives it 21 days to respond. Affiliated Foods is mistaken for two reasons. First, this motion was not filed in connection with the recently-established multi-district litigation but rather in connection with litigation that has been pending before this Court since 2018. Second, and more importantly, Rule 6.1 “governs all motions requesting Panel action generally.” The Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation do not govern motions before the

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<sup>1</sup> The original Notice of Hearing mistakenly identified the hearing date as October 5, 2021 [Doc. No. 877].

transferee district court. Instead, the Local Rules control. *See, e.g., In re Blue Cross Blue Shield Antitrust Litigation*, 2017 WL 11539533 at 3 (N.D. Ala. Dec. 4, 2017) (applying local rules of transferee court to a motion to compel).

District of Minnesota Local Rule 7.1(b)(1) requires the moving party to file and serve documents 14 days prior to the date of the hearing. That was done. Local Rule 7.1(b)(2) requires a response, if any, “within 7 days after filing of a nondispositive motion and its supporting documents.” Thus, under Local Rule 7.1(b)(2), Affiliated Foods’ response was due on August 24, 2021.

Because there appears to have been confusion over the applicable rules, and because the interests of justice would be better served if Affiliated Foods has an opportunity to respond to the pending motion and the Court and opposing counsel have an opportunity to consider that response, IT IS HEREBY ORDERED that

1. Affiliated Foods must file a responsive memorandum together with all supporting documents on or before **Wednesday, September 1, 2021**; and
2. The hearing on Commercial and Indirect Purchaser Plaintiffs’ Motion to Compel Compliance with Subpoena Directed To Affiliated Foods, Inc. will be **RESCHEDULED** and will instead be held on **Wednesday, September 8, 2021 at 10:00 a.m. Central time by ZoomGov videoconferencing means.**

Dated: August 26, 2021

s/ Hildy Bowbeer

HILDY BOWBEER

United States Magistrate Judge